REMARKS

Summary of the Amendment

Upon entry of the instant Amendment, claims 1, 58 and 136 will have been amended. Accordingly, claims 1-8, 11-66, 69-112 and 115-145 will be pending with claims 6, 18, 19, 22, 23, 28-48, 51-54, 56, 57, 64, 77-96, 98-112, 115-135, 138 and 139 being withdrawn by the Examiner on the basis of a restriction requirement.

Summary of the Official Action

In the instant Office Action, the Examiner again neglected to acknowledge Applicant's claim to foreign priority by neglecting to indicate on the form PTOL-326 that the certified copies of the priority documents have been received. The Examiner also improperly indicated that claims 6, 18, 19, 22, 23, 28-48, 51-54, 56, 57, 64, 77-96, 98-104, 138 and 139 were withdrawn from examination. Additionally, the Examiner rejected claims 1-5, 7-10, 14, 15, 20, 24-27, 49, 50, 55, 58-63, 65-69, 70-76, 97. 136, 137 and 140-143 over the art of record. Finally, the Examiner indicated that claims 11-13, 16, 17 and 21 were allowed. By the present remarks, Applicant submits that the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Interview of October 31, 2007

Applicant appreciates the Examiner's courtesy in the Interview of October 31, 2007

at the USPTO. In the Interview, Applicant's representative pointed out that none of the applied documents teaches to connect end surfaces of the two side pieces to the recited panel with two separate weld joint zones.

The Examiner agreed that the invention shown in the drawings of the instant application is distinguishable over the applied documents, but insisted that under a "broadest reasonable interpretation" standard, he can construe the inside surfaces of MUELLER as the recited end surfaces.

Applicant's representative pointed out that this interpretation was not reasonable because one having ordinary skill in the art would not interpret the inside surfaces of MUELLER as the recited end surfaces because the inside surfaces of MUELLER are not arranged at the ends of the side pieces. The Examiner disagreed.

In response, Applicant's representative suggested possible language which would prevent the Examiner from characterizing the inside surfaces of the side pieces of MUELLER as end surfaces. The Examiner explained that he would reconsider any claim amendments which would do so.

Accordingly, while Applicant disagrees with the Examiner's interpretation of the recited end surfaces, Applicant is nevertheless amending the claims in an effort to even more clearly define the end surfaces.

Status of the Certified Priority Document

The Examiner has neglected to acknowledge Applicant's claim to foreign priority on

the form PTOL-326 by neglecting to indicate whether the required certified copies of the priority documents have been received.

Applicant filed the required certified copy of the priority document on April 15, 2004 and requests that the Examiner check box 12a1 on the form PTOL-326 in the next Official Action confirming receipt of the certified copy.

Accordingly, Applicant respectfully requests that the Examiner indicate such acknowledgment on form PTOL-326 in the next office action.

Restriction Requirement

Applicant acknowledges that the Examiner has again withdrawn claims 6, 18, 19, 22, 23, 28-48, 51-54, 56, 57, 64, 77-96, 98-104, 138 and 139 as not reading on the invention of Group I. Applicant notes, however, that the Examiner is not correct that claims 105-112 and 115-135 are not pending, and assumes that the Examiner intended to withdraw these claims as well.

Applicant again notes, in particular, that the restriction requirement dated February 12, 2006 did not set forth any species election requirement and the Examiner cannot properly withdraw any claims based thereon. The restriction requirement dated February 12, 2006 merely set forth a restriction requirement between Group I directed to claims 1-104 and 136-143, and Group II directed to claims 105-135.

Accordingly, the basis of election of species was entirely improper and should be withdrawn. Furthermore, Applicant submits that each of the new claims clearly reads on

the elected invention of Group I.

Traversal of Rejections Under 35 U.S.C. § 103(a)

Over Mueller with Schmidt, Palm and Bauer

Applicant respectfully traverses the rejection of claims 1-5, 7, 8, 14, 15, 20, 24-27, 49, 50, 55, 58, 62, 63, 65, 66, 69, 97, 136, 137 and 140-145 under 35 U.S.C. § 103(a) as unpatentable over US Patent No. 6,173,925 to MUELLER et al. in view of US Patent No. 6,595,467 to SCHMIDT, US Patent No. 6,543,721 to PALM, and US Patent No. 5,501,414 to BAUER.

The Examiner acknowledges that MUELLER lacks, among other things, the recited thickened region, using metal as the material for the panel and the stiffening element, and the recited two separate weld joints. However, the Examiner asserts that PALM and BAUER teach to make the panel and stiffening element of metal and to use a weld joint and that SCHMIDT teaches the recited thickened region. The Examiner then concludes that it would have been obvious to one of ordinary skill in the art to combine the teachings of these documents. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what these documents disclose or suggest, Applicant submits that no proper combination of these documents discloses or suggests: inter alia, a lightweight structural component comprising at least one *metal panel*, at least one *metal stiffening element*, the at least one metal stiffening element comprising two side pieces, each side piece comprising an outer surface, an inner surface, and an end

surface extending between the outer and inner surfaces, and each **end surface** of the two side pieces being at least partially connected to the at least one metal panel in a material-locking manner, wherein *the two side pieces are connected to the at least one metal panel at two separate weld joint zones*, as recited in amended independent claim 1; inter alia, a lightweight structural component comprising at least one *metal panel* comprising at least one thickened region, at least one *metal stiffening element welded to the at least one panel*, the at least one metal stiffening element comprising a bar portion and two side pieces, each side piece comprising an outer surface, an inner surface, and an end surface extending between the outer and inner surfaces and having a width that is narrower than a length of the outer surface, and each **end surface** of the two side pieces being at least partially connected in a material-locking manner to the at least one thickened region *by two separate weld joint zones*, whereby the at least one metal stiffening element is oriented in at least one of a lengthwise and a crosswise direction, as recited in amended independent claim 58; and inter alia, a lightweight structural component comprising a *metal panel* comprising at least one thickened region, at least one stiffening element coupled to a surface of the at least one thickened region, the at least one stiffening element being *a one-piece metal member* and comprising a head portion, a bar portion and two side pieces extending from the bar portion, the bar portion comprising a first thickness, each of the two side pieces comprising a second thickness, the first thickness being greater than the second thickness, and **end surfaces** *of the two side pieces being at least partially connected to the at least one thickened region by two separate weld joint zones,* wherein

each of the two side pieces comprises an outer surface and an inner surface and wherein *each end surface has a width that is narrower than a length of the outer surface* when measured between the bar portion and the end surface, as recited in amended independent claim 136.

Applicant acknowledges that MUELLER teaches a stiffening element 20 having two side pieces which are fixed to a panel 30. However, MUELLER specifically discloses an adhesive attachment of side surfaces of the side pieces 27 and 27' to the skin 30 (see Fig. 1 and col. 3, lines 64-66). The end surfaces of side pieces 27 and 27' are, however, not disclosed as being connected to the panel 30. Furthermore, MUELLER specifically states that the member 24 is fiber composite member (see col. 4, lines 14-15). The invention, in contrast, recites that the panel is at least one *metal panel* and that the stiffening element is at least one *metal stiffening element.* These features are simply not disclosed or suggested by MUELLER. Thus, MUELLER lacks a metal panel, a metal stiffening element, two separate weld joint zones, and that the end surfaces of two side pieces are connected to the panel.

The Examiner takes the position, which was reiterated in the Interview of October 31, 2007, that under a "broadest reasonable interpretation" standard, he can properly construe the inside surfaces of the side pieces 27 and 27' of MUELLER as the recited end surfaces. Applicant respectfully disagrees. The "broadest reasonable interpretation" standard must be one that "would be understood by one of ordinary skill in the art, taking into consideration the description of the applicant's specification. *In re Morris*, 127 F.3D

1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997)". See page 3 of the attached non-precedential decision *Ex parte HADDAD.* Since Applicant has clearly recited the end surfaces and distinguished the end surfaces of the side pieces from the inside surfaces and outer surfaces, the Examiner cannot, consistent with *In re Morris*, properly construe the inside surfaces of the end pieces of MUELLER as the recited end surfaces.

SCHMIDT does not cure the above-noted deficiencies of MUELLER. While it is apparent that SCHMIDT discloses a stiffening element 2 that is welded to a fuselage panel 1, the stiffening element 2 in SCHMIDT also does not utilize two side pieces which are connected to the panel 1, and instead utilizes one main web, e.g., 3A, which is connected to the panel 1 by a weld joint, e.g., 4A. As such, SCHMIDT uses a single weld joint zone and not *two separate weld joint zones.*

PALM does not cure the above-noted deficiencies of MUELLER and SCHMIDT. While it is apparent that PALM discloses a stiffening element 2 that is welded to a fuselage panel 1, the stiffening element 2 in PALM does not utilize two side pieces which are connected to the panel 1, and instead utilizes one area (defined by width "a") which is connected to the panel 1 by a weld joint. As such, PALM uses a single weld joint zone and not *two separate weld joint zones.*

BAUER does not cure the above-noted deficiencies of MUELLER, SCHMIDT and PALM. While it is apparent that BAUER discloses connecting stiffening elements 26 to a panel 24, the stiffening elements 26 of BAUER do not utilize two side pieces which are connected to the panel 24, and instead utilize a single bent area which is connected to the

panel 24 by rivets (see col. 5, lines 11-15). As such, BAUER uses a single weld riveted zone and not *two separate weld joint zones*.

Thus, Applicant submits that the above-noted documents fail to disclose or suggest the features recited in at least independent claims 1, 58 and 136. Because the above-noted documents fail to disclose or suggest at least the above-noted features of the instant invention, Applicant submits that no proper combination of MUELLER, SCHMIDT, PALM and BAUER can render unpatentable the combination of features recited in at least independent claims 1, 58 and 136.

Furthermore, Applicant submits that there is no basis or rationale set forth in the art to modify any of the applied documents in the manner asserted by the Examiner. Nor does the Examiner's opinion provide a proper basis for these features or for the reasoning required to modify these documents, in the manner suggested by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claims 1, 58 and 136 is not rendered obvious by any reasonable inspection of the applied disclosures.

Finally, Applicant submits that dependent claims 2-5, 7, 8, 14, 15, 20, 24-27, 49, 50, 55, 58, 62, 63, 65, 66, 69, 97, 137 and 140-145 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of MUELLER, SCHMIDT, PALM and BAUER discloses or suggests; that the component is utilized in an aircraft and the at least one stiffening

element is oriented at least one of a lengthwise and a crosswise direction relative to the at least one panel as recited in claim 2; that the at least one panel comprises a skin sheet as recited in claim 3; that the at least one panel comprises a thickened region in an area of the two separate weld joint zones as recited in claim 4; that the at least one stiffening element comprises a stringer which is oriented in a lengthwise manner as recited in claim 5; that the two separate weld joint zones comprise laser beam weld zones as recited in claim 7; that the two separate weld joint zones comprise friction stir weld zones as recited in claim 8; that the two side pieces are bent or oriented away from each other by a total angle α, whereby inner surfaces of the two side pieces and a surface of the at least one panel form a generally isosceles triangle as recited in claim 14; that the angle α lies in a range of between approximately 7° and approximately 50° as recited in claim 15; that the two side pieces are integrally formed with the at least one stiffening element, whereby the at least one stiffening element and the two side pieces comprise a one-piece member as recited in claim 20; that the at least one stiffening element comprises an edge area which is oriented in a generally parallel manner relative to the at least one panel as recited in claim 24; that the at least one panel comprises a panel reinforcing base portion which comprises a first base portion and a second base portion separated from the first base portion, wherein lateral outer surfaces of the first and second base portions rest against or adjacent to inner surfaces of the two side pieces as recited in claim 25; that an area of the at least one panel comprising the two weld joint zones comprises a surface formed by metal cutting as recited in claim 26; that an area of the at least one panel comprising the

two weld joint zones comprises a surface formed by metal removal as recited in claim 27; that the at least one panel comprises a panel stiffening base made of material that is deformed during a rolling-in of a stress relief element into the at least one panel as recited in claim 49; that the at least one panel comprises a panel stiffening base made of material that is deformed during a rolling of the at least one panel as recited in claim 50; that the at least one stiffening element comprises a head portion that is coupled to a bar portion as recited in claim 55; that the component is arranged on an aircraft as recited in claim 62; that the at least one stiffening element comprises a stringer oriented in a lengthwise direction as recited in claim 63; that the two separate weld joint zones comprise laser beam weld zones as recited in claim 65; that the two separate weld joint zones comprise friction stir weld zones as recited in claim 66; that the two weld joint zones comprise panel surfaces and surfaces of the two side pieces, and wherein each of the panel and two side piece surfaces comprises a machined surface as recited in claim 69; that the at least one panel comprises a sheet skin for one of an aircraft, a boat and a ship as recited in claim 97; that the bar portion and two side pieces of the at least one stiffening element form a generally Y-shaped cross-section as recited in claim 137; that a distance between the two separate weld joint zones is greater than the first thickness as recited in claim 140; that a distance between the two separate weld joint zones is greater than the second thickness as recited in claim 141; that a distance between inner edges of the two separate weld joint zones is greater than the first thickness as recited in claim 142; that a distance between inner edges of the two separate weld joint zones is greater than the second thickness as

recited in claim 143; that the two separate weld joint zones are arranged between a thickened region of the panel and the two side pieces as recited in claim 144; and that the at least one metal stiffening element comprises a one-piece metal member as recited in claim 145.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the above-noted rejection under 35 U.S.C. § 103(a) and indicate that these claims are allowable over the applied art of record.

Over Mueller, Schmidt, Bauer and Palm with Lackman

Applicant respectfully traverses the rejection of claims 59-61 and 70-76 under 35 U.S.C. § 103(a) as unpatentable over MUELLER in view of SCHMIDT, BAUER, PALM, and further in view of US Patent No. 4,256,790 to LACKMAN et al.

The Examiner acknowledges that MUELLER, SCHMIDT, BAUER and PALM lack, among other things, the recited reinforcing element. However, the Examiner asserts that this feature is taught by LACKMAN and that it would have been obvious to one of ordinary skill in the art to combine the teachings of these documents. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what these documents disclose or suggest, Applicant submits that no proper combination of these documents discloses or suggests: inter alia, a lightweight structural component comprising at least one *metal panel* comprising at least one thickened region, at least one *metal stiffening element welded to*

the at least one panel, the at least one metal stiffening element comprising a bar portion and two side pieces, each side piece comprising an outer surface, an inner surface, and an end surface extending between the outer and inner surfaces and having a width that is narrower than a length of the outer surface, and each **end surface** of the two side pieces being at least partially connected in a material-locking manner to the at least one thickened region *by two separate weld joint zones*, whereby the at least one metal stiffening element is oriented in at least one of a lengthwise and a crosswise direction, as recited in amended independent claim 58.

As explained above, MUELLER specifically discloses an adhesive attachment of the side surfaces of the side pieces 27 and 27' to the skin 30 (see Fig. 1 and col. 3, lines 64-66). Furthermore, MUELLER specifically states that the member 24 is fiber composite member (see col. 4, lines 14-15). The invention, in contrast, recites that the panel is at least one *metal panel* and that the stiffening element is at least one *metal stiffening element*. These features are simply not disclosed or suggested by MUELLER. Additionally, the invention provides that *the end surfaces of the two side pieces are connected to the at least one metal panel at two separate weld joint zones*. As MUELLER discloses an adhesive connection between side surfaces of the side pieces 27 and 27' and the rib 30, MUELLER cannot be said to disclose the recited weld joints between these members.

SCHMIDT does not cure the above-noted deficiencies of MUELLER. As noted above, while it is apparent that SCHMIDT discloses a stiffening element 2 that is welded to

a fuselage panel 1, the stiffening element 2 in SCHMIDT does not utilize two side pieces which are connected to the panel 1, and instead utilizes one main web, e.g., 3A, which is connected to the panel 1 by a weld joint, e.g., 4A. As such, SCHMIDT uses a single weld joint zone and not *two separate weld joint zones*.

PALM does not cure the above-noted deficiencies of MUELLER and SCHMIDT. While it is apparent that PALM discloses a stiffening element 2 that is welded to a fuselage panel 1, the stiffening element 2 in PALM does not utilize two side pieces which are connected to the panel 1, and instead utilizes one area (defined by width "a") which is connected to the panel 1 by a weld joint. As such, PALM uses a single weld joint zone and not *two separate weld joint zones*.

BAUER does not cure the above-noted deficiencies of MUELLER, SCHMIDT and PALM. While it is apparent that BAUER discloses stiffening elements 26 connected to a panel 24, the stiffening elements 26 of BAUER do not utilize two side pieces which are connected to the panel 24, and instead utilizes a single bent area which is connected to the panel 24 by rivets (see col. 5, lines 11-15). As such, BAUER uses a single weld riveted zone and not *two separate weld joint zones*.

LACKMAN does not cure the above-noted deficiencies of any proper combination of MUELLER, SCHMIDT, BAUER and PLAM. While it is apparent that LACKMAN discloses a stiffening element 22/23 that is connected to a panel 20 by bonding, and that utilizes a filler 30, the stiffening element 22/23 and panel 30 in LACKMAN are composite material structures and not metal members. Furthermore, the side surfaces (not the end surfaces)

of the two side pieces of the stiffening element 22/23 are connected to the panel 20 by bonding, and are not connected to the panel 20 by *two separate weld joint zones*.

Thus, Applicant submits that the above-noted documents fail to disclose or suggest the features recited in at least independent claim 58. Because the above-noted documents fail to disclose or suggest at least the above-noted features of the instant invention, Applicant submits that no proper combination of MUELLER, SCHMIDT, BAUER, PALM and LACKMAN can render unpatentable the combination of features recited in at least independent claim 58.

Furthermore, Applicant submits that there is no basis or rationale disclosed or suggested in the art to modify any of the applied documents in the manner asserted by the Examiner. Nor does the Examiner's opinion provide a proper basis for these features or for the rational for modifying these documents, in the manner suggested by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claim 58 is not rendered obvious by any reasonable inspection of the applied disclosures.

Finally, Applicant submits that dependent claims 59-61 and 70-76 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of MUELLER, SCHMIDT, BAUER, PALM and LACKMAN discloses or suggests; that the component further comprises a reinforcing element located in a cavity formed by the two side pieces and a surface of the at least one thickened region as recited in claim 59; that the at least one thickened region

comprises a panel stiffening base and wherein the reinforcing element comprises a high-strength material having a modulus of elasticity that is generally greater than a modulus of elasticity of a material of at least one of the at least one panel and the at least one stiffening element as recited in claim 60; that the reinforcing element is connected to at least one of the two side pieces and to the at least one panel stiffening base in one of a force-locking manner and a form-locking manner as recited in claim 61; that the component further comprises a reinforcing element having surfaces which are both force-locked and form-locked to at least one of inner surfaces of the two side pieces and a surface of the thickened region as recited in claim 70; that the surfaces comprise at least one of a rough profile and surface profiling as recited in claim 71; that the component further comprises a reinforcing element which comprises surfaces which are fixed to at least one of inner surfaces of the two side pieces and a surface of the thickened region as recited in claim 72; that the component further comprises a cavity formed by the two side pieces and the at least one thickened region and a reinforcing element arranged within the cavity as recited in claim 73; that a cross-sectional shape of the cavity generally corresponds to a cross-sectional shaped of the reinforcing element as recited in claim 74; that the cavity comprises a cross-sectional shape having a form of a generally equal isosceles triangle with a rounded-off apex as recited in claim 75; and that the reinforcing element comprises a cross-sectional shape having a form of a generally equal isosceles triangle with a rounded-off apex as recited in claim 76.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the

above-noted rejection under 35 U.S.C. § 103(a) and indicate that these claims are allowable over the applied art of record.

Allowable Subject matter

Applicant appreciates the Examiner's indicating that claims 11-13, 16, 17 and 21 are allowed. However, Applicant submits that all pending claims should be indicated as being allowed.

Request for Rejoinder of Non-Elected Claims

Applicant submits that rejoinder of withdrawn claims 6, 18, 19, 22, 23, 28-48, 51-54, 56, 57, 64, 77-96, 98-112, 115-135, 138 and 139 is now proper. These claims should be rejoined because these claims depend from claims 1, 58 and 136 which are believed to be allowable. Applicant refers the Examiner to MPEP 821.04 which indicates that withdrawn claims which depend from or otherwise include all the limitations of the allowable claims will be rejoined if presented prior to allowance and issuance of a final rejection. Accordingly, Applicant requests that the Examiner rejoin all the withdrawn claims directed to the non-elected invention and consider the merits of the same.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the

Applicant's invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Authorization is hereby given to refund excess payments and charge any additional fee necessary to have this paper entered to Deposit Account No. 19-0089.

Respectfully submitted,
B. BRENNER et al.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte NADIM HADDAD, CHARLES N. ALCORN,
JONATHAN MAIMON, LEONARD R. ROCKETT
and SCOTT DOYLE

Appeal No. 2003-2013
Application No. 09/491,230

ON BRIEF

Before KIMLIN, JEFFREY T. SMITH and PAWLIKOWSKI, Administrative Patent Judges.

KIMLIN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 6-19.

Claim 6 is illustrative:

6. A resistor, comprising:

a first passivation layer overlying a semiconductor substrate having a plurality of transistors;

a first bottom contact and a second bottom contact formed through said first passivation layer at a first contact location and a second contact location, respectively;

a resistive film formed over said first passivation layer to serve as a resistor, wherein said resistive film has a first end and a second end;

a first top contact connecting said first bottom contact to said first end of said resistive film; and

a second top contact connecting said second bottom contact to said second end of said resistive film.

In the rejection of the appealed claims, the examiner relies upon the following reference:

Matthews 5,182,225 Jan. 26, 1993

Appellants' claimed invention is directed to a resistor wherein first and second top contacts connect first and second bottom contacts to first and second ends of a resistive film.

Appealed claims 6, 7, 11, 12 and 16-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Matthews. Claims 8-10 and 13-15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Matthews.

We have thoroughly reviewed the respective positions advanced by appellants and the examiner. In so doing, we concur with appellants that the prior art cited by the examiner neither describes the claimed invention within the meaning of § 102 nor

renders it obvious within the meaning of § 103. Accordingly, we will not sustain the examiner's rejections.

The basis of the examiner's rejections over Matthews is finding that the gate and source regions of Matthews meet the requirements for the claimed first and second bottom contacts, respectively. In other words, it is the examiner's position that the gate and source of Matthews are contacts which meet the requirements of the presently claimed first and second bottom contacts. Appellants, on the other hand, contend that when one of ordinary skill in the art interprets the claim language in light of the specification, such a skilled artisan would not read the first and second bottom contacts as including the gate and source regions of Matthews.

We must acknowledge that there is a certain appeal in the examiner's position. Manifestly, the source and gate of Matthews are made of a conductive material and serve to pass current from one body to another, as urged by the examiner. However, it is well settled that claim language is given its broadest reasonable meaning during prosecution as it would be understood by one of ordinary skill in the art, taking into consideration the description of the applicant's specification. In re Morris,

127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). In the present case, appellants' specification describes that the contacts, or studs, are made from tungsten, aluminum, or copper, and the specification also discloses other areas of the device as gate and source regions (14a, 14b and 17a, 17b, respectively). Hence, we find it reasonable to conclude that one of ordinary skill in the art would not interpret the claimed first and second bottom contacts as inclusive of gate and source regions and, therefore, it is our opinion that the gate and source regions of Matthews are not a description of the claimed bottom contacts within the meaning of § 102. In our view, appellants' arguments during prosecution establish, via file wrapper estoppel, that the claimed first and second bottom contacts do not encompass gate and source regions.

As for the examiner's § 103 rejection, the examiner has not presented a rationale why it would have been obvious for one of ordinary skill in the art to modify Matthews to incorporate the claimed first and second bottom contacts in addition to the gate and source regions.

In conclusion, based on the foregoing, the examiner's decision rejecting the appealed claims is reversed.

REVERSED

EDWARD C. KIMLIN Administrative Patent Judge	)	
JEFFREY T. SMITH Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
BEVERLY PAWLIKOWSKI Administrative Patent Judge	)	

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